

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 13

Eric H. Richmond,

Case No. 14-41678-cec

Debtor(s).
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**ORDER TO FILE AMENDED PLAN AND
CURE POST PETITION MORTGAGE ARREARS**

WHEREAS, on April 7, 2014, Eric H. Richmond (the “Debtor”) filed a voluntary petition for relief under chapter 13 of the Bankruptcy Code (ECF Doc. No. 1); and

WHEREAS, on April 21, 2014, the Debtor filed a chapter 13 plan (ECF Doc. No 14); and

WHEREAS, the Debtor’s most recent amended chapter 13 plan was filed on May 10, 2017 (ECF Doc. No 487); and

WHEREAS, on August 25, 2014, Select Portfolio Servicing, Inc. (the “Secured Creditor”) filed an amended proof of claim in the amount of \$236,735.29, which shows pre-petition arrears in the amount of \$64,078.94, secured by real property located at 66 Back Meadow Road, Nobleboro, ME (the “Secured Claim”) (Proof of Claim No. 5-2); and

WHEREAS, on November 13, 2014, the Debtor filed an objection to the Secured Claim pursuant to Bankruptcy Code § 502(b) and Bankruptcy Rule 3007 (the “Motion”) (ECF Doc. No 146); and

WHEREAS, on July 21, 2015, a decision and order were issued denying the Motion (the “Decision and Order”) (ECF Doc. Nos. 269 & 266); and

WHEREAS, all motions to reconsider the Decision and Order and all appeals from the Decision and Order have been denied;

WHEREAS, the Debtor's plan provides for no payment to holders of allowed secured claims; and

WHEREAS, under Bankruptcy Code § 1322(b)(5) the plan is required to provide for the payment of all pre-petition arrears on the Secured Claim, and for the maintenance of post-petition payments due to the Secured Creditor while the case is pending;

NOW, THEREFORE, it is

ORDERED, that the Debtor shall file an amended chapter 13 plan on or before June 5, 2017, that pays the pre-petition arrears owed to the Secured Creditor in accordance with Bankruptcy Code § 1322(b)(5), together with applicable trustee's commissions, in equal monthly payments over the remaining life of the chapter 13 plan, which may not exceed June 30, 2019; and it is further

ORDERED, that on or before June 15, 2017, the Debtor shall provide proof that the post-petition mortgage payments owed to the Secured Creditor have been paid in accordance with Bankruptcy Code § 1322(b)(5); and it is further

ORDERED, that in the event the Debtor fails to comply timely with this order, this chapter 13 case may be dismissed without further notice or hearing.

**Dated: Brooklyn, New York
May 22, 2017**




Carla E. Craig
United States Bankruptcy Judge